

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

COMPASS BANK, AS SUCCESSOR
IN INTEREST TO THE LAREDO
NATIONAL BANK,
Plaintiff

v.

WALTER C. KELLER
DISTRIBUTOR, INC AND
TOM YATES PETROLEUM CO, INC.,
Defendants,

WALTER C. KELLER
DISTRIBUTOR, INC AND
TOM YATES PETROLEUM CO, INC.,
Third-Party Defendants,

v.

EXXON MOBIL CORPORATION,
FLAT ROCK LAND, L.L.C.,
BENJAMIN M. ALEXANDER,
MAUREEN M. ALEXANDER, M.D.,
ROSALIND M. ALEXANDER,
CENTROL LAREDO, LTD.,
GAIL A. DAVIS, GML CENTRO, LLC,
JESSMAN PROPERTIES, LTD,
LOUISE A. MANDEL F/K/A
LOUISE WEINFELD, AS TRUSTEE FOR
ALAN AND ADRIANNA WEINFELD,
PHYLLIS A. TERRY,
GREYHOUND LINES, INC.,
PETER RANDOLPH PROPERTIES, LLC,
SLAUGHTER REALTY COMPANY,
JOSEPH SLAUGHTER, III,
AMERICANOS USA, LLC,
RAUL PROPERTIES, LTD, VICTORIA
INVESTMENT PROPERTIES, INC.,
ARCHANGELOS, INC., CITY OF LAREDO,
RAMIRO RAMIREZ, III & IRMA RAMIREZ,
and H. E. BUTT GROCERY COMPANY
Third-Party Defendants

CIVIL ACTION NO. 5-08-CV-68

RULE 26(A)(1) INITIAL DISCLOSURES OF THIRD-PARTY DEFENDANTS, BENJAMIN M. ALEXANDER, MAUREEN M. ALEXANDER, M.D., ROSALIND M. ALEXANDER, CENTRO LAREDO, LTD., GAIL A. DAVIS, GML CENTRO, LLC, JESSMAN PROPERTIES, LTD., LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS TRUSTEE FOR ALAN AND ADRIANA WEINFELD, AND PHYLLIS A. TERRY

Pursuant to the Federal Rules of Civil Procedure 26(a)(1)(A), Third-Party Defendants, BENJAMIN M. ALEXANDER, MAUREEN M. ALEXANDER, M.D., ROSALIND M. ALEXANDER, CENTRO LAREDO, LTD., GAIL A. DAVIS, GML CENTRO, LLC, JESSMAN PROPERTIES, LTD., LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS TRUSTEE FOR ALAN AND ADRIANA WEINFELD, AND PHYLLIS A. TERRY, hereby provide the following initial disclosures.

Respectfully submitted,

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By: /s/ Mark A. Huward

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CENTRO, LLC, JESSMAN PROPERTIES, LTD.,
LOUISE A. MANDEL F/K/A LOUISE WEINFELD, AS
TRUSTEE FOR ALAN AND ADRIANA WEINFELD,
AND PHYLLIS A. TERRY

THIRD-PARTY DEFENDANTS' RESPONSE TO INITIAL DISCLOSURES

A. The name and, if known, the address and telephone number of each individual likely to have discoverable information, along with the subject of that information, that the disclosing party may use to support its claim or defenses, unless the use would be solely for impeachment.

DISCLOSURE:

1. Compass Bank
Plaintiff
2. Walter C. Keller Distributor, Inc.
Defendants, Third-Party Plaintiffs
3. Tom Yates Petroleum Co., Inc.
Defendants, Third-Party Plaintiffs
4. Exxon Mobil Corporation
Third-Party Defendants
5. Flat Rock Land, L.L.C.
Third-Party Defendants
6. Benjamin M. Alexander
Third-Party Defendants
7. Maureen M. Alexander, M.D.
Third-Party Defendants
8. Rosalind M. Alexander
Third-Party Defendants
9. Centro Laredo, Ltd.,
Third-Party Defendants
10. Gail A. Davis
Third-Party Defendants
11. GML Centro, LLC
Third-Party Defendants
12. Jessman Properties, Ltd.
Third-Party Defendants
13. Louise A. Mandel F/K/A Louise Weinfeld, as Trustee For Alan and Adrianna Weinfeld
Third-Party Defendants

14. Phyllis A. Terry
Third-Party Defendants
15. Greyhound Lines, Inc.
Third-Party Defendants
16. Peter Randolph Properties, LLC
Third-Party Defendants
17. Slaughter Realty Company
Third-Party Defendants
18. Joseph Slaughter, III
Third-Party Defendants
19. Americanos USA, LLC
Third-Party Defendants
20. Raul Properties, Ltd.
Third-Party Defendants
21. Victoria Investment Properties, Inc.
Third-Party Defendants
22. Archangelos, Inc.
Third-Party Defendants
23. City of Laredo
Third-Party Defendants
24. Ramiro Ramirez, III & Irma Ramirez
c/o Law Offices of Albert M. Gutierrez, P.C.
San Antonio, Texas 78209
(210) 225-2299
Third-Party Defendants
25. H.E. Butt Grocery Company
Third-Party Defendants

26. Jason J. L. Smith
Environmental Geologist
Raba-Kistner Consultants, Inc.
8100 Cameron Road, Ste. B-150
Austin, Texas 78754-3812
(512)-339-1745
Prepared report documenting results of Phase II Environmental Site Assessment (ESA-II) conducted at the subject property located at 920 Matamoros Street, Laredo, Webb County, Texas.
27. Richard V. Klar, P.G.
Associate
Raba-Kistner Consultants, Inc.
8100 Cameron Road, Ste. B-150
Austin, Texas 78754-3812
(512)-339-1745
Prepared report documenting results of Phase II Environmental Site Assessment (ESA-II) conducted at the subject property located at 920 Matamoros Street, Laredo, Webb County, Texas.
28. Dan Finnegan
Geologist
Matrix Environmental Sciences, Inc.
Laredo, Texas 78041
Office: 956-791-7088
Did clean up at the Shell gas station for contamination that occurred or existed in the past. Works for Tom Yates.
29. Lee Garrett, PG
Terracon Consultants, Inc.
6911 Blanco Road
San Antonio, Texas 78216
Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the HEB Property.
30. Joe A. Lambert
Environmental Department Manager
Terracon Consultants, Inc.
6911 Blanco Road
San Antonio, Texas 78216
Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the HEB Property.

31. Harold (Howard) Ruhlman
General Manager
Tom Yates Petroleum Co., Inc.
P.O. Box 1768
Laredo, Texas 78044
(956) 722-7866
Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the Flat Rock Property.
32. Sonia Ortiz
Former Secretary, Officer Manager
Tom Yates Petroleum Co., Inc.
P.O. Box 1768
Laredo, Texas 78044
(956) 722-7866
Has knowledge or information that gasoline or any other petrochemical substance is or has leaked from the Flat Rock Property.
33. Samuel Noble
Expert for Yates who prepared Appraisal Report.
34. International Bank of Commerce
1200 San Bernardo Ave.
Laredo, Texas 78040-6301
Current owner of 920 Matamoros Street, Laredo, Webb County, Texas.
35. Veronica Puig
Puig Management and Rentals LLC
1815 San Bernardo Ave., Suite 2
Laredo, Texas 78040
956-722-2307
Manages the property located at 802 San Bernardo.
36. Lan Ngoc Quach
China Border
802 San Bernardo
Laredo, Texas 78040
956-725-8888
Current tenant at 802 San Bernardo.
37. Alvaro Alvarez
Red Fox Taxi
802 San Bernardo
Laredo, Texas 78040
956-724-6669
Current tenant at 802 San Bernardo.

38. Sarah P. Santos
Corporate Counsel, BBVA Compass
700 San Bernardo Ave.
Laredo, Texas 78040
Telephone 956-794-8071
Familiar with the trust department files at Laredo National Bank nka BBVA Compass.
39. Joaquin Romero, Jr.
Wealth Management Group
BBVA Compass
700 San Bernardo Ave.
Laredo, Texas 78040
Telephone: 956-794-1336
Familiar with the trust department files at Laredo National Bank nka BBVA Compass.

B. A copy, or description by category and location, of all documents, electronically stored information, and tangible things that the disclosing party has in its possession, custody, or control and may use to support its claims or defenses, unless the use would be solely for impeachment;

DISCLOSURE:

1. Documents related to formation of the corporate Third Party Defendants, including, but not limited to, copies of corporate documents, correspondence and facsimiles.
2. Documents related to leases for the property owned by Third Party Defendants and located at 802 San Bernardo, Laredo, Texas.
3. Documents related to the ownership history of the property located at 802 San Bernardo, Laredo, Texas.
4. Documents related to accounting for rents received from the property located at 802 San Bernardo, Laredo, Texas.
5. Documents related to the underground storage tanks located on 802 San Bernardo, Laredo, Texas.

All of the aforesaid documents are located at Harberg Huvard Jacobs Wadler, LLP, 2100 West Loop South, Suite 1100, Houston, Texas 77027.

C. A computation of each category of damages claimed by the disclosing party, who must also make available for inspection and copying as under Rule 34, the documents or other evidentiary material, unless privileged or protected from disclosure, on which each computation is based, including materials bearing on the nature and extent of injuries suffered.

DISCLOSURE:

Third Party Defendants do not currently claim any damages in relation to this action.

D. For inspection and copying as under Rule 34, any insurance agreement under which an insurance business may be liable to satisfy all or part of a possible judgment in the action or to indemnify or reimburse for payments made to satisfy the judgment.

DISCLOSURE:

Third Party Defendants, at this time, are not aware of any insurance agreement under which any persons carrying on an insurance business may be liable to satisfy all or part of a judgment which may be entered in favor of Plaintiff or Third Party Plaintiffs or to indemnify or reimburse Third Party Defendants for payments to satisfy the judgment.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of this document was served on the following attorney of records, on this the 4th day of March 2011.

Attorneys Representing Defendant and Third-Party Plaintiff (Walter C. Keller Distributor, Inc.):

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and

J. Mark Craun
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Attorneys Representing Plaintiff (Compass Bank):

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Attorney Representing Third-Party Defendant (Ramiro Ramirez and Irma Ramirez):

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and

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and

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Attorney Representing Third-Party Defendant (Raul Properties, Ltd.):

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Attorney Representing Third-Party Defendant (Victoria Investment Properties, Inc.):

Jose Luis Castillo
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Attorney Representing Third-Party Defendant (Archangelos, Inc.):

Adán A. González, III
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Attorney Representing Third-Party Defendant (City of Laredo):

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The City of Laredo
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and

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/s/ Mark A. Huvard

Mark A. Huvard